



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,213	04/14/2004	Christopher W. Durham	282829-00083	6281
3705	7590	09/22/2005	EXAMINER	
ECKERT SEAMANS CHERIN & MELLOTT 600 GRANT STREET 44TH FLOOR PITTSBURGH, PA 15219			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/824,213

Applicant(s)

DURHAM, CHRISTOPHER W.

Examiner

Nahid Amiri

Art Unit

3679

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12 November 2004</u> . | 6) <input checked="" type="checkbox"/> Other: <u>exhibit</u> .                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "130" has been used to designate both handlebar mount and washer. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 16 is objected to because of the following informalities: Line 2, after "which" add --said--, and line 3 after "which" add --said--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "steering shaft opening" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "said recesses" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3, 7, 8, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,802,519 B2 Morgan et al.**

In regard to claim 1: Morgan et al., discloses a fork clamp (Figs. 1, 2) comprising an elongated body (13) having a pair of spaced fork leg receiving openings (P and P') (see attachment), and defining an opening (P'') (see attachment) disposed generally between said fork receiving openings (P and P') for receiving a steering shaft, a pair of spaced handlebar mounts (14) disposed on opposite sides of the steering shaft opening (P''), the spaced handlebar mounts each being disposed between a the fork receiving openings (p and P') and said steering shaft opening (P''), and a generally flat vibration dampening (18) insert interposed between the body (13) and the handlebar mounts (14).

In regard to claim 3: Morgan discloses (Fig. 1) the handlebar mount (14) each having a base secured to the body (13) and a cap (17) secured to the base to define a handlebar receiving passageway therebetween.

In regard to claims 7 and 8: Morgan et al., discloses (Fig. 1) the body (13) having a cavity (19) within which the vibration dampening insert (18) is received, and vibration dampening insert (18) being generally U-shaped

In regard to claims 14-15: Morgan et al., discloses a clamp (13) being a triple motorcycle clamp, and the vibration dampening insert (18) substantially completely underlying the handlebar mounts (14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al., as applied to claims 1, 3, 7, 8, 14 and 15 above, and further in view of US Patent No. 5,921,145 Moser.**

In regard to claims 2 and 10: Morgan et al., discloses the claimed invention except vibration damper insert being resiliently compressible and consisting of rubber and resinous polymer. Moser et al, teaches (Fig. 1) (column 3, lines 6-8) the damper (80) is formed from resilient material such as polyurethane, which inherently includes the rubber, and resinous polymer material. It would have been obvious to one of ordinary skill in the art at the time of invention was made to form the damper insert of Morgan consisting of rubber and resinous polymer as taught by Moser et la. in order to construct a resilient and flexible damper insert.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al., as applied to claims 1, 3, 7, 8, 14 and 15 above, and further in view of US Patent No. 6,035,741 Krizman, Jr.**

In regard to claim 11: Morgan et al., discloses the claimed invention except being silent in regard to type of material handlebar mount made of. Krizman teaches (Fig. 1) (column 4, lines 29-30) the handlebar mounts 14 and 15 made of metal. It would have been obvious to one of ordinary skill in the art at the time of invention was made to form the handlebar mounts of

Art Unit: 3679

Morgan et al, from metal as taught by Krizman in order to secure a larger diameter handlebar to a motorcycle or comparable vehicles.

**Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al.**

In regard to claim 12: Morgan et al., discloses the claimed invention (Fig. 2) shows that each C-shaped fork leg receiving openings (P and P') having a line is going through it and bolt being connect two sides of C-shaped together. Even though Morgan silent in regard to adjustability of receiving opening, but It would have been obvious to one of ordinary skill in the art to loosen the bolt in order to enlarge the receiving opening for catching lager size fork tube.

In regard to claim 13: Morgan et al., discloses the claimed invention except for steering shaft opening being of adjustable size. It would have been obvious to one of ordinary skill in the art to modify the shaft opening of Morgan et al., to have close C-shaped such as receiving openings (P and P') with a line is going through it and by loosen the bolt being connect two sides of C-shaped together in order to enlarge the shaft opening for receiving different size shaft.

#### ***Allowable Subject Matter***

Claims 4-6 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In regard to claims 4-6 and 16, the prior art does not show or suggest a lower portions of the base having a plurality of lands and grooves, and the vibration dampening insert having a plurality of recesses for receiving at least some of the lands, in regard to claims 12 and 13, the fork leg receiving openings and steering shaft opening being of adjustable size.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,520,524 B1 Costa


US Patent No. 5,310,203 Chen

US Patent No. 4,773,514 Gustafsson

US Patent No. 6,332,625 B1 Fukunaga et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nahid Amiri  
Examiner  
Art Unit 3679  
August 25, 2005



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

